

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION

In re:	)	
	)	
SEI Energy, LLC,	)	Case No.: 1:16-bk-12292-NWW
	)	
Debtor,	)	Chapter 7
	)	
JERROLD D. FARINASH, TRUSTEE	)	
	)	Adversary Proceeding No. _____
Plaintiff,	)	
	)	
v.	)	
	)	
Ventex Operating Corporation,	)	
	)	
Defendant.	)	

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COMPLAINT

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Comes now the Plaintiff, Jerrold D. Farinash Trustee, by and through counsel and hereby files a Complaint to avoid certain preferential transfers made by Debtor, SEI Energy, LLC (hereafter "SEI"), to Defendant, Ventex Operating Corporation, the Trustee alleges the following in support of his Complaint:

1. The Debtor filed its voluntary petition for relief under Chapter 7 of the Bankruptcy Code on June 3, 2016.
2. Jerrold D. Farinash, Trustee, was duly appointed Trustee in this matter on or about that date and continues to serve in that capacity to date.
3. Jerrold D. Farinash, Trustee, is the duly qualified Plaintiff in this case.
4. This court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § 1334 and 157.

5. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(F). Venue pursuant to 28 U.S.C. § 1409(a), in that the instant adversary proceeding is related to the above captioned case under title 11 of the United States Code which is still pending, Plaintiff consents to judgment by this Court.

6. Sections 547(b) and 550(a) of the Bankruptcy Code empower a Debtor, for the benefit of the estate, to avoid and recover a transfer to a creditor of an interest of the debtor in property if the requirements set forth therein are met.

7. Pursuant to §547 (b) of the Bankruptcy Code, a trustee may avoid any transfer of an interest of the debtor in property (a) to or for the benefit of a creditor, (b) for or on account of an antecedent debt owed by the debtor before such transfer was made, (c) made while the debtor was insolvent, (d) made on or within one year, before the filing of the petition, (e) that enables such creditor to receive more in satisfaction of its claims than it would receive in a case under Chapter 7 of the Bankruptcy Code if the transfer had not been made.

8. During the 90 day period prior to the petition date, the Debtor made certain transfers (The “Avoidable Transfers”) to the Defendant totaling \$35,505.60. The transfers are listed in Exhibit A.

9. The transfers alleged in Exhibit A, totaling \$35,505.60, were transfers to or for the benefit of the Defendant, who is a creditor of the Debtor.

10. The transfers alleged in Exhibit A, were on account of an antecedent debt of the Debtor to the Defendant, and were made within 90 days of the petition date.

11. The transfers alleged in Exhibit A enabled the Defendant to receive more in satisfaction of its claim than it would receive in a case under Chapter 7 of the Bankruptcy Code if the transfer had not been made. The schedules show the Debtor’s assets to be \$1,514,222.55

and liabilities to be \$4,320,870.00. All of the assets other than avoidance actions have been liquidated. The total funds received has been \$1,979,983.00. The actual total of the claims filed in the case is \$10,583,919.40.

12. The transfers alleged in Exhibit A, were made within 90 days of the petition date and pursuant to 11 U.S.C. § 547(f) the Debtor is presumed to be insolvent or made insolvent thereby for the purpose of this avoidance action.

13. In light of the foregoing, the transfers alleged in Exhibit A, totaling \$35,505.60 to or for the benefit of Ventex Operating Corporation, are avoidable under the provisions of 11 U.S.C. §547(b) and §550 and should be set aside.

14. The money transferred should be returned to the Plaintiff on behalf of the Debtor. Plaintiff on behalf of the Debtor is entitled to recover from Defendant an amount to be determined at trial that is not less than \$35,505.60 plus interest thereon from the initial date of demand to the date of payment and the costs of this action.

WHEREFORE, Plaintiff prays:

- a. That proper process issue and be served on the Defendant;
- b. That the Court enter an Order that the transfers made by the Debtor to the Defendant totaling \$35,505.60 were preferential transfers pursuant to 11 U.S.C. § 547 and further order that amount plus appropriate interest can be recovered by the Trustee for the benefit of the estate pursuant to § 550(a);
- c. That the Court enter an order that the repossessed inventory of the Debtor was a preferential transfer and that the inventory may be recovered by the Trustee for the benefit of the estate; and
- d. That he have any other relief that this Court deems just and proper.

RESPECTFULLY SUBMITTED:

FARINASH & HAYDUK

By: /s/ Jerrold D. Farinash  
JERROLD D. FARINASH, (BPR #10220)  
ANDREA HAYDUK, (BPR #026777)  
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# EXHIBIT A

**SEI Energy, LLC**  
**Jerrold D. Farinash, TRUSTEE**

SUMMARY OF PREFERENCE PAYMENTS  
FOR THE PERIOD MARCH 5, 2016 THROUGH JUNE 2, 2016

Vendor Ventex Operating Corporation Address on invoice if different:  
Address 3141 Hood Street, Suite 700  
Dallas, TX 75219 (214) 520-2929

CHECK DATE	CHECK #	DATE PAID	CHECK AMOUNT	INV DATE	INV'S PD	PROD MONTH	DUE DATE	INV. AMT	PREFERENCE	NEW VALUE	ACCUM. PREFERENCE
03/21/16	5671	03/21/16	36,495.73	02/29/16	569	Jan, 2016	02/25/16	36,495.73	36,495.73		36,495.73
03/25/16	5693	03/25/16	29,771.40	03/31/16	672	Feb, 2016	03/25/16	29,771.40	-		36,495.73
04/01/16	New Value									4,039.95	32,455.78
05/04/16	5822	05/05/16	4,039.95	04/29/16	768	Mar, 2016	04/25/16	4,039.95	4,039.95		36,495.73
05/01/16	New Value									567.96	35,927.77
05/04/16	New Value									422.17	35,505.60
Total Preference Amount											35,505.60